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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,918	11/21/2003	Stefan Eriksson	2380-775	7567

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ARLINGTON, VA 22203

EXAMINER

LE, DANH C

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/717,918

Applicant(s)

ERIKSSON ET AL.

Examiner

DANH C. LE

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☒ Claim(s) 19,20,22-29,31-35 is/are rejected.
- 7) ☒ Claim(s) 21 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. **Claims 19, 20, 24, 25, 28, 29, 32, 33 are rejected under 35 U.S.C. 102(a) as being anticipated by Wahl (US 2003/0103454).**

As to claim 19, Wahl teaches a mobile station configured to operate in a wireless (figure 1, paragraph 30) telecommunication network, the mobile station comprising:

a receiver which receives from a network node an encoded point-to-multipoint transmission of same data carried on a common downlink channel;

a requestor (1) which monitors link quality of the point-to-multipoint transmission and which causes provision of feedback regarding the link quality of the point-to-multipoint transmission on a common uplink channel to a network node.

As to claim 20, Wahl teaches the apparatus of claim 19, wherein the feedback provided on the common uplink channel includes a signal indicative of a complaint regarding link quality (paragraph 0025, 0026).

As to claim 24, Wahl teaches the apparatus of claim 19, wherein no signal is provided on the common uplink channel to indicate a lack of complaint regarding link quality in hopes that encoding of the point-to-multipoint transmission will remain the same or change to a less robust coding scheme.

As to claim 25, Wahl teaches the apparatus of claim 19, wherein the requestor randomly determines in which time slot of a reporting group of time slots a complaint regarding link quality is to be provided as the feedback (figure 1, 5).

As to claim 28, Wahl teaches the mobile station configured to operate in a wireless telecommunication network the mobile station comprising:

means for receive from a network node an encoded point-to-multipoint transmission of same data carried on a common downlink channel;

means for monitoring link quality of the point-to-multipoint transmission; and

means for causing provision of feedback regarding the link quality of the point-to-multipoint transmission on a common uplink channel to the network node.

As to claim 29, Wahl teaches the apparatus of claim 28, wherein the feedback provided on the common uplink channel includes a signal indicative of a complaint regarding link quality.

As to claim 32, Wahl teaches the apparatus of claim 28, wherein the controller determines in which time slot of a reporting group of time slots a complaint regarding link quality is to be provided as the feedback (figure 1).

As to claim 33, Wahl teaches the apparatus of claim 28, wherein the controller randomly determines in which time slot of a reporting group of time slots a complaint regarding link quality is to be provided as the feedback (figure 1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claims 22, 23, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahl.**

As to claim 22, 23, 31, Wahl teaches the apparatus of claim 19, Wahl fails to teach the feedback provided on the common uplink channel fails to provide any complaint regarding link quality and no signal is provided on the common uplink channel to indicate a lack of complaint regarding link quality in hopes that encoding of the point-to-multipoint transmission will remain the same or change to a less robust coding scheme. However, the examiner takes Official Notice that the feedback provided on the common uplink channel fails to provide any complaint regarding link quality and no signal is provided on the common uplink channel to indicate a lack of complaint regarding link quality in hopes that encoding of the point-to-multipoint transmission will remain the same or change to a less robust coding scheme are known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Cai into the system of Wahl in order to enhance the system performance of the QoS controller.

**3. Claims 26, 27, 34, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wahl in view of Cai (US 2004/0229572).**

As to claims 26, 27, Wahl teaches the apparatus of claim 19, Wahl fails to teach the common uplink channel is a random access channel and the random access channel is a PRACH channel. Cai teaches the common uplink channel is a random

access channel and the random access channel is a PRACH channel (figure 1, 39 and paragraph 19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Cai into the system of Wahl in order to enhance the system performance of the QoS controller.

As to claims 34, 35, the limitations of the claims are the same limitations of claim 26, 27; therefore, the claims are interpreted and rejected as set forth as claims 26, 27.

### ***Allowable Subject Matter***

Claims 21, 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 21, 30, Wahl teaches the apparatus of claim 19, wherein the feedback provided on the common uplink channel includes a signal indicative of a complaint regarding link quality in hopes that encoding of the point-to-multipoint transmission will change to a more robust coding scheme.

Claims 1-18 are allowed as stated in the Applicant's remarks on pages 8-11.

### ***Conclusion***

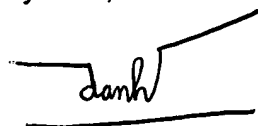
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Sexton et al (US 6,614,772 6,956,839) teaches method, and association apparatus for communication package data in a radio communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'danh', is written over a horizontal line.

June 7, 2006.  
DANH CONG LE  
PRIMARY EXAMINER